

M I N U T E S

SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

JANUARY 2, 2007

Meeting was commenced at 7:02 p.m.

PRESENT:

Council Members: Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Deputy Finance Director and Assistant to the CAO Scott Bond; City Attorney Walter Miller; Community Development Director Mike Coulam; Zoning Administrator Jim McNulty; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Assistant CAO Scott Bond; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

ABSENT/EXCUSED:

Councilman Scott Cowdell (attended Plng. Mtg/excused Council Mtg.)

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Easton Hansen of Troop #1351, and the Pledge was led by Mitchell Peterson, also of Troop #1632.

2. **CITIZEN(S) COMMENTS:**

a. None

PUBLIC HEARING(S):

3. **Sieverts Rezoning**

Public Hearing to consider the following: Mr. Kevin Ludlow of Sequoia Development is requesting to rezone approximately 3.27 acres from the (ID) "Industrial District" to the (CBD) "Central Business District". The property is located at approximately 9680 South Monroe Street (255 West). The applicant is requesting the rezoning in order to facilitate the development of a hotel on the site. A hotel use within the CBD Zone requires a Conditional Use Permit.

DISCUSSION: Community Development Director Mike Coulam reported that Mr. Kevin Ludlow, of Sequoia Development, has requested to rezone approximately 3.27 acres from the (ID) Industrial District to the (CBD) Central Business District. The subject property is located at approximately 9680 South Monroe Street (255 West). The applicant is requesting the proposed rezoning in order to facilitate the development of a hotel on the site. A hotel use within the CBD Zone requires a Conditional Use Permit. Mr. Keri Sieverts is the owner of the property and has given his consent for the property to be rezoned.

The adjacent property to the north is zoned CBD, and the property to the south is the CBD-O District. The subject property overlooks Interstate 15 to the west, and is bordered by Albion Village and Alta View Estates to the east. This property was not included in prior rezonings, because it was requested by the owner Mr. Keri Sieverts, that the property remain zoned under the Industrial Zone, until such time as a development was proposed for the property.

The Sandy City Development Code states the following regarding the proposed Central Business District Zone:

Section 15-04-03(A)

- iv. **Purpose of the CBD District.** *The Central Business District Zone is established to stimulate economic development by providing a unique planning environment for large scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within "Planned Commercial Centers" which will serve the south valley area.*

The Downtown Master Plan refers to this area as a high visibility area that overlooks Interstate 15 just north of the Sandy City Hall building. The Master Plan also references this area as being developed with business office type developments as well as other similar uses that have been developed within the Central Business District. The requested rezoning and related project are considered a major component of the Sandy downtown area. As part of the Master Plan, hotels, office and retail uses have been envisioned for the general area of the proposed rezoning request.

The neighborhood coordinator for this area was contacted, and it was determined that a neighborhood meeting was not necessary.

STAFF RECOMMENDATION:

Staff recommends that the proposed Sieverts Rezoning be approved, thus rezoning approximately 3.27 acres from the (ID) "Industrial District" to the (CBD) Central Business District based on the following findings:

- i. The zone request is consistent with existing zoning and land uses proposed in the Downtown Master Plan adopted in July of 2002.
- ii. The proposed rezoning is consistent with the other developments in the Civic Center area that have included hotels, office and commercial type uses.
- iii. Rezoning this property to the CBD Zone will allow this area to have a consistent zoning that will encourage development that will enhance this area both visually and economically.
- iv. Development of a high quality development as would be required under the proposed CBD Zone would provide an asset to the entire Civic Center area.

Mr. Coulam reported that both Planning Staff and the Planning Commission support the recommended rezoning to the CBD Zone, and have forwarded a positive recommendation to the Council to approve the proposed rezoning.

The developer, **Mr. Kevin Ludlowe**, was in attendance at the Meeting. He was asked by **Council Chairman Dennis Tenney** if the issue, as represented by **Community Development Director Mike Coulam**, met the intent of his request. Mr. Ludlowe stated that the presentation was fine, and that he had no further comments to add.

The public hearing was opened and closed, as there were no comments.

Council Discussion:

Chris McCandless stated that he would have to recuse himself from the vote, as he is an acting partner in the financial side of this project.

MOTION: Steve Fairbanks made the motion that documents be prepared to rezone approximately 3.27 acres from the (ID) "Industrial District" to the (CBD) "Central Business District". The property is located at approximately 9680 South Monroe Street (255 West).

SECOND: Linda Martinez Saville

VOTE: Fairbanks- Yes, Saville- Yes, Smith- Yes, McCandless- recused,
Anderson- Yes, Cowdell- Absent, Tenney- Yes

MOTION PASSED

5 in favor, 1 absent, 1 abstention

4. **Amend Section 15-05-01(B), Commercial Land Use Matrix and 15-15-02, Definitions**

Public Hearing to consider the following: Edna Yocum, of Yocum Enterprises, has filed a request to amend Sections 15-05-01(B) Commercial Land Use Matrix, and 15-15-02, Definitions, to permit the land use, "All-Terrain Vehicle Sales & Service", within the ID (Industrial) Zone - Title 15, Land Development Code, Revised Ordinances of Sandy City.

DISCUSSION: Jim McNulty explained that Edna Yocum of Yocum Enterprises, has filed a request with the Sandy City Council, via the Planning Commission, to amend Section 15-05-01(B), Commercial Land Use Matrix, and Section 15-15-02, "Definitions" to permit the land use "All-Terrain Vehicle Sales & Service" within the ID (Industrial) Zone. In addition, staff has made minor modifications in the land use matrix in reference to other zones based on similar uses.

It is proposed to amend Section 15-05-01(B), Commercial Land Use Matrix, and 15-15-02, "Definitions." The applicant proposes to add the land use "All-Terrain Vehicle Sales & Service" as a permitted use in the ID Zone. She would like to offer ATV sales along with parts and services for ATVs at the existing Yocum Enterprises business, which is located at 9326 South 300 West (frontage road along the west side of I-15 Corridor). Currently, there is no definition within the Development Code for All-Terrain Vehicle, therefore, Staff is proposing the following definition for ATVs, after much study and research of other cities' codes and the industry's standards.

Definition:

All-Terrain Vehicle (ATV). Any motorized, off-road vehicle, 50 inches or less in overall width, having a dry weight of 600 pounds or less, designed to travel on three or more low pressure tires, having a seat designed to be straddled by the operator and handle bars for steering control.

Exhibit "B" of the proposed ordinance will include this definition under Section 15-15-02 of the Development Code.

The ID Zone was originally created as a zone tailored for areas west of the I-15 Corridor from approximately 8600 South to 9800 South. The intent of the ID zone is:

"To provide areas that are suitable for industrial, manufacturing, office/warehouse or related uses."

Bonneville Equipment is located just to the south of this proposal. Bonneville Equipment is a legal non-conforming use within the ID Zone and has been in operation (equipment sales & rental) for a number of years. Other existing land uses will not be affected by the proposed ordinance amendment as it relates to their legal status.

The Sandy City Land Development Code in Section 15-01-03 lists the nine criteria explaining the intent and purpose of the ordinance. The proposed ordinance amendment is consistent especially with the purpose of statement #6. These nine provisions would allow for a system of fair, comprehensive, consistent and equitable regulations, standards and procedures that are required of all proposed land development within the City.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

This item was previously reviewed by the Planning Commission on November 16, 2006. The Commission continued the item to December 7, to allow Staff time to consider a different code amendment. Staff's additional research on ATVs, in an effort create a proposed new land use category for All-Terrain Vehicle (ATV) Sales & Service, includes a proposed amendment that would create a definition which limits the use. In addition, Staff has researched weight limits and size restrictions for ATVs. According to the research done by Staff, most ATVs purchased in the Utah market are limited to about 600 pounds in weight. This includes 300 and 400 type models, as well as models up to 700 cc. Staff and the Planning Commission are comfortable with allowing the applicant to expand her business in the future and allow for sales and service of current model ATVs according to the restrictions listed within the proposed definition.

STAFF RECOMMENDATION:

The Community Development Department respectfully requests that the City Council approve the proposed amendment to the Development Code for the following reasons:

- a. The proposed ordinance amendment is consistent with the Purpose of the Land Development Code.

- b. The proposed ordinance amendment is consistent with the Goals and Policies of the General Plan.
- c. The proposed land use is consistent with the intent or nature of the Industrial (ID) Zone.

Upon being asked by the **Council Chairman, Dennis Tenney**, if Mr. Yocum had anything to add to Mr. McNulty's presentation, **Mr. Yocum** stated, "No, the presentation was great."

The public hearing was opened and closed, as there were no comments.

MOTION: Chris McCandless made the motion to have documents brought back to amend Sections 15-05-01(B) Commercial Land Use Matrix, and 15-15-02, "Definitions," to permit the land use, "All-Terrain Vehicle Sales & Service", within the ID (Industrial) Zone - Title 15, Land Development Code, Revised Ordinances of Sandy City.

SECOND: Stephen Smith

VOTE: McCandless- Yes, Smith- Yes, Fairbanks- Yes,
Anderson- Yes, Cowdell- Absent, Saville- Yes, Tenney- Yes

MOTION PASSED
6 in favor, 1 absent

COUNCIL ITEMS:

5. **Joint Resolution: City Council/Mayor: Opposing Unsolicited Offer to Delta Air Lines, Inc.**
Resolution #07- 01 C - to oppose the proposed unsolicited offer to Delta Air Lines, Inc.; to provide an effective date of this resolution; and for other purposes.

DISCUSSION: Council Chairman Dennis Tenney reported to the Council that U.S. Airways is attempting a hostile takeover of Delta Air Lines. If they are successful, it would pose a significant impact on jobs and revenues to cities all along the Wasatch Front, and other cities throughout Utah. This resolution has been proposed for adoption by all affected cities.

MOTION: Steve Fairbanks made the motion to adopt Resolution #07- 01 C - to oppose the proposed unsolicited offer to Delta Air Lines, Inc.; to provide an effective date of this resolution; and for other purposes.

SECOND: Chris McCandless

VOTE: Fairbanks- Yes, McCandless- Yes, Smith- Yes,
Anderson- Yes, Cowdell- Absent, Saville- Yes, Tenney- Yes

MOTION PASSED
6 in favor, 1 absent

MINUTES:

6. **Approving the December 12, 2006 City Council Meeting Minutes.**

MOTION: Chris McCandless made the motion to adopt the December 12, 2006 City Council Meeting Minutes as presented.

SECOND: Bryant Anderson

VOTE: The Council voted verbally and unanimously in the affirmative.

7. **MAYOR'S REPORT:**

- a. **Mayor Dolan** reported that he recently met with Sandy's professional lobbyists to give them assignments for the next legislative session. Representative Ray Hughes of the House was selected to carry the amendments that will better define the formation of new school districts. Senator Carleen Walker will carry the amendments to the Senate. Senator Walker wants the corrections made in the House bill not in the Senate.
- b. **Mayor Dolan** reported that he met with the Speaker of the House and Jeff Holland, Salt Lake County's newest Council member. He said he was quite impressed with Mr. Holland, who lives in Draper. He seems to understand Sandy's

issues and has indicated that he would be supportive of them. Mayor Dolan stated that Mr. Holland is a bright young man who will be a helpful addition to the Salt Lake County Council. He also met with leaders of the Utah Restaurant Association. They are concerned that Salt Lake County has been collecting a restaurant tax for at least 10 years and they would like to see some of these funds used to advertise restaurants. Mayor Dolan indicated that they will continue to try and work with them to create some joint solutions.

- c. The Costco Road will soon be connected with State Street. Costco thinks it will increase their business by about \$20 million dollars per year. We are working to get a solid response from Costco on their share of the road costs, so that the canal can be covered before next spring. The road connection to State Street should stop the tremendous traffic congestion currently found in this area.
- d. **Mayor Dolan** reported that Tracy Cowdell, attorney for the South Valley Sewer District, has advised him that they are working on obtaining a federal grant to build the first membrane water sewage treatment plant in the State of Utah. Such plants are more efficient and require a smaller space. When up and running, the proposed plant could send a million gallons of water a day back into the community of recycled water. A discussion was also held regarding the purchase or use of some their land (700 West) for a future waste transfer station, when the Trans Jordan Dump fills up.
- e. **Dennis Tenney** asked Mayor Dolan if he would explain to the Boy Scouts in attendance at the meeting, the benefits of using lobbyists.

Mayor Dolan explained that the use of professional lobbyists brings a very good return on the City's money. Lobbyists are used to follow through on every bill as Senators and Legislators don't have enough staff to follow through on every request. Ten to twelve years ago, we didn't use lobbyists. Since hiring lobbyists we now millions of dollars in federal grants. For instance, in the past 10 years, we have received a little under \$200 million dollars in road funds, with our matching funds being \$6 million. We were once being double taxed on detective and paramedic services by the County. Through lobbyists, and the legislation that was subsequently passed, that tax money now comes directly to our Police and Fire Departments. We feel the lobbyists that represent us have a great deal of integrity.

8. **CAO'S REPORT:**

- a. **Byron Jorgenson** reported that work has been started by UDOT on the widening and improvement projects on State Street. Presently, crews are working to repair the canal crossings along the portion of State Street presently being remodeled, while they are not filled with water.
- b. **Rick Smith** reported that the Sandy Police Department has been writing many tickets at approximately 10200 South State Street. With lanes blocked down by UDOT, many people are making illegal left turns. We are currently working with South Towne Mall and with UDOT in an effort to improve traffic movements at 10200 South. The Mall has approved this, but UDOT has not yet given their approval.

Byron Jorgenson reported that UDOT's goal is to be done there by next spring.

- c. **Byron Jorgenson** reported that the Fire Department has just received its newest fire engine transport for Fire Station 31. He stated that the new engine will be brought to City Hall so the Council can look it over. Sandy now has five transport engines. These engines double as a fire engine and an ambulance transport. We need to buy at least one new engine every couple of years. The Fire Department's response to emergency calls are 80% medical and the rest fire or other similar emergencies. Mr. Jorgenson reported that when Sandy ordered the first transport engine it cost around \$125,000. A new fire truck now costs the City over \$425,000 dollars.

Fire Station #32 (located at approximately 20th E. 95th South) will be torn down soon. The existing building is very old and needs to be completely rebuilt. The new station will be nearly identical to the fire station located at 1300 East 8400 South.

Bryant Anderson asked if the new station would be equipped with a public meeting room.

Byron Jorgenson responded, "Yes." We want to start construction within the next two to three weeks. While the new fire station is under construction, Public Utilities Director Shane Pace will be letting let us park fire engines in the old

1220 East Public Utilities building. Ironically, this old building was originally built by firemen, for a fire station many years ago.

A truck loaded with brick crashed in Sandy. They offered to give the City the whole load of brick, if they would clean it up and transport it. We have leased one floor of the old Starbird Travel building to bunk the firemen, until the new station is built. Mr. Jorgenson reported that they will still be able to respond quickly from this location to the neighborhoods they serve. The contractor will start construction in the Spring and be done before the following Spring.

9. **COUNCIL OFFICE DIRECTOR'S REPORT:**

Mr. Glenn was absent. Audit Reports were handed out to the Council.

10. **OTHER COUNCIL BUSINESS:**

- a. **Dennis Tenney** referenced a magazine article that ranked 75 cities and their ability to respond to any emergency or disaster. He asked if **Ken Kraudy** could be asked to gather information to see how Sandy would compare to these cities. And report back to the Council. **Byron Jorgenson** said he would advise Ken Kraudy.
- b.

At approximately 7:42 p.m., Stephen Smith made a motion to adjourn Council Meeting, motion seconded by Chris McCandless.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Dennis B. Tenney
Council Chairman

Naleen Wright
Council Office Manager